

CRM-M-11430-2025
Reserved on: 01.08.2025
Pronounced on: 26.08.2025

...petitioners

...RESPONDENT

FIR No.	Dated	Police Station	Sections
41	01.03.2023	Division No.6, Ludhiana, District Ludhiana	408/120-B/420/467/468/471 IPC, 1860 and Section 212 of IPC added later on

1. The petitioners apprehending arrest in the FIR captioned above have come up before this Court under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking anticipatory bail.
2. Per paragraph 13 of the bail petition and para 13(C) of the status report, the petitioners have no criminal antecedents.
3. The facts and allegations are being taken from the status report dated 07.04.2025 filed by the State, which reads as follows:

“That it is respectfully submitted that on receipt of copy of the order dated 01.03.2025 passed by this Hon'ble Court, the deponent has discussed the matter with the SHO, Police Station Division No.6, Ludhiana, and perused the record. After perusal of the record, it is revealed that on 01.03.2023 complainant Komal Krishan made a statement with the police levelling allegations that “..he is posted as Bolt Manager with M/s. Radiant Cash Management Services Ltd. and his company provides the services of Collecting Cash from different firms and deposit the cash in the banks. It was further stated that one Harminder Singh was working in the complainant's company since last four years as Cash Van Custodian and his duty was to Collect Cash from the firms AU Small Finance Bank, Vishal Mega Mart, Rellex and deposit it in SBI, Miller Ganj Branch, Ludhiana. Apart from it, it was also the duty of the said Harminder Singh to collect cash on every Monday from GKB Lens, Model Town, Ludhiana and deposit it in SBI, Miller Ganj,

*Ludhiana. On 28.02.2023 at about 09.00 AM the said Harminster Singh came to the Cill Road Branch of the complainant's company and went on VAN No. PB-65BA-6666 with Gunman Sohan Singh and collected Rs.1.00 Crore from AU Small Finance Bank, Pakhowal Road Branch, Ludhiana and also collected Rs. 1.46 Crores from the Mall Road Branch of the said AU Small Finance Bank. Thereafter the said Harminster Singh * came near Canara Bank at about 12.30 PM and got down Gunman Sohan Singh from the Cash Van by making excuse to bring Currency Notes of Rs. 10/- from inside the bank and thereafter the said Harminster Singh went from there with the Cash Van and came after 1/2 hours and handed over the Cash Van to Gunman Sohan Singh near Gill Chowk, Ludhiana and went from there. At about 05.30 PM he received a phone call from his Chandigarh Office that Harminster Singh has not deposited the Receipt regarding deposit of the above noted cash in the bank and that the mobile phone of Harminster Singh is switched off. Thereafter the complainant tried to contact Harminster Singh but his mobile phone was switched off. On 01.03.2023 Ramanjot Singh (Cash Van Custodian) alongwith Security Guard Ajit Singh went to AU Small Finance to collect cash and when they opened the Trunk containing cash, they found that only Rs. 26.80 Lacs lying there in the Trunk and that cash of Rs.2,19,20,000/- has been misappropriated by Harminster Singh in connivance with his accomplices..." Accordingly, FIR No.41 dated 01.03.2023, u/s 408,120-B IPC, P.S. Division No. 6, Ludhiana was registered against Harminster Singh."*

4. Counsel for the petitioners submits that the petitioners were not named in the FIR and have been implicated on the basis of disclosure statement of co-accused. The petitioners' counsel prays for bail by imposing any stringent conditions, in case, they repeat the offence or commit any offence where the sentence is more than 07 years, they would have no objection, if State files an application for cancellation of their bails and contends that pre-trial incarceration would cause an irreversible injustice to the petitioners and their family.
5. The State's counsel opposes bail and refers to the reply.
6. It would be appropriate to refer to para 13(A) of the status report, which read as follows:

“(A) Role of petitioners:

i) Co-accused Jaspreet Singh and Amritpal @ Allu, along with co-accused Manpreet Singh @ Jatt, after snatching the bag of cash, reached Basian Road, Raikot, where they transferred the cash into the Brezza car of co-accused Manpreet Singh @ Bajja. Thereafter, they proceeded to the house of Manpreet Singh @ Bajja, where he gave a portion of the money to his mother and father for daily expenses.”

REASONING:

7. Petitioners were not named in the FIR and their name was surfaced on the basis of disclosure statement of co-accused. Neither the petitioners were present at the spot, nor any

money was entrusted to them or recovered from them. Nothing is mentioned in the status report qua the role of the petitioners for which custodial is required.

8. Pre-trial incarceration should not be a replica of post-conviction sentencing. The evidence might be prima facie sufficient to launch prosecution or to frame charges, but this Court is not considering the evidence at that stage but is analyzing it for the stage.

9. Given the above, the penal provisions invoked coupled with the prima facie analysis of the nature of allegations and the other factors peculiar to this case, there would be no justifiability for custodial interrogation or the pre-trial incarceration at this stage. Without commenting on the case's merits, in the facts and circumstances peculiar to this case, and for the reasons mentioned above, the petitioners makes a case for bail.

10. The investigation indicates that the petitioners is not the main accused, so the petitioner's bail shall not be treated as a precedent for granting bail to the other co-accused with a higher role.

11. Given above, provided the petitioners is not required in any other case, the petitioners shall be released on anticipatory bail in the FIR captioned above subject to furnishing bonds to the satisfaction of the Arresting Officer, and if the matter is before a Court, then the concerned Court and due to unavailability before any nearest Ilaqa Magistrate/duty Magistrate. Before accepting the surety, the concerned Officer/Court must be satisfied that if the accused fails to appear, such surety can produce the accused.

12. While furnishing a personal bond, the petitioners shall mention the following personal identification details:

1.	AADHAR number	
2.	Passport number (If available) and when the attesting officer/court considers it appropriate or considers the accused a flight risk.	
3.	Mobile number (If available)	
4.	E-Mail id (If available)	

13. This order is subject to the petitioners's complying with the following terms.

14. The petitioners shall abide by all statutory bond conditions and appear before the concerned Court(s) on all dates. The petitioners shall not tamper with the evidence, influence, browbeat, pressurize, induce, threaten, or promise, directly or indirectly, any witnesses, Police officials, or any other person acquainted with the facts and circumstances of the case or dissuade them from disclosing such facts to the Police or the Court.

15. In case the Investigator/Officer-In-Charge of the concerned Police Station arraigns another section of any penal offense in this FIR, and if the new section prescribes a maximum sentence that is not greater than the sections mentioned above, then this bail order shall be deemed to have also been passed for the newly added section(s). However, suppose the newly inserted sections prescribe a sentence exceeding the maximum sentence prescribed in the sections mentioned above; then, in that case, the Investigator/Officer-In-Charge shall give the petitioners notice of a minimum of seven days, providing an opportunity to avail the remedies available in law.

16. The significant consideration for granting bail is that the Court aims to give the petitioners another chance to course-correct, reform, and reintegrate into the community as an ideal citizen. To ensure that the petitioners also abide by the assurance made on the petitioners's behalf by not repeating the offence or indulging in any crime, it shall be desirable to impose the following additional condition.

17. *This bail is conditional, and the foundational condition is that if the petitioners indulge in any non-bailable offense, the State may file an application for cancellation of this bail before the Sessions Court, which shall be at liberty to cancel this bail.*

18. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

19. A certified copy of this order would not be needed for furnishing bonds, and any Advocate for the petitioners can download this order along with case status from the official web page of this Court and attest it to be a true copy. If the attesting officer wants to verify its authenticity, such an officer can also verify its authenticity and may download and use the downloaded copy for attesting bonds.

20. Petition allowed in terms mentioned above. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

26.08.2025

renubala

Whether speaking/reasoned:	Yes
Whether reportable:	No.